

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Ameriprise Captive Insurance Company, as
subrogee of IDS Property Casualty Insurance
Company,

Plaintiff,

- against -

Audatex North America, Inc.,

Defendant.

Case No. 1:22-cv-05964

ECF Case

Hon. Judge Valerie E. Caproni

Magistrate Judge Stewart D. Aaron

NOTICE OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

PLEASE TAKE NOTICE that upon (i) the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's Complaint, and (ii) the Declaration of Brenton Rogers, and the exhibits annexed thereto, the undersigned will move this Court before the Honorable Valerie E. Caproni, Courtroom 443, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, at a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiff's Complaint (Dkt. 1) in the above-captioned action in its entirety and with prejudice and for other such further relief the Court may deem just and proper.

This Motion is made following the conference of counsel and the submission of pre-motion letters, including Defendant's letter motion proposing a jointly-agreed briefing schedule. (Dkt. 9). On August 1, 2022, the Court ordered that any motion to dismiss would be due by September 1, 2022; that Plaintiff's opposition would be due by September 22, 2022, and that Defendant's reply would be due by October 6, 2022. (Dkt. 12). The Court further ordered the Initial Pre-Trial

Conference adjourned until Friday, October 21, 2022, at 10:00 a.m., with pre-trial submissions due by October 13, 2022. (Dkt. 11).

Dated: Chicago, Illinois
September 1, 2022

Respectfully Submitted,

Kirkland & Ellis LLP

/s/ Brenton Rogers

Brenton Rogers, P.C. (pro hac vice)

Katie R. Lencioni (pro hac vice)

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